

Wetlands Bureau Decision Report

Decisions Taken
12/13/2004 to 12/19/2004

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

1999-02125 ROCKPORT DEVELOPERS INC
HOOKSETT Unnamed Wetland

Requested Action:

Approve name change to: Beaver Brook Development of Hooksett LLC, 724-10 E Industrial Park Dr., Manchester NH 03109 per request received 12/16/04.

APPROVE NAME CHANGE:

Dredge and fill a total of 42,986 sq. ft. of palustrine forested, scrub-shrub, and emergent wetlands to construct a roadway, including two (2) Conspan bridges over Beaver Brook, to access a 31-lot residential subdivision on a 72 acre parcel.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates, Inc. dated July, 1999, as received by the Department on Oct. 13, 1999 and additional information received Dec. 20, 1999 and draft conservation easement received Feb. 1, 2000.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done during low flow.
7. This permit is contingent on approval by the DES Site Specific Program.
8. This permit is contingent on approval by the DES Subsurface Systems Bureau.
9. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Proper headwalls shall be installed.
12. Culvert outlets shall be properly rip rapped.
13. This permit shall not be valid until a conservation easement of 18.10 acres is deeded to the Town of Hooksett as " a perpetual and exclusive conservation easement."
14. Record subdivision plan with conservation easement for each appropriate lot within 10 days from receipt of this decision and submit a certified receipt from the Merrimack County Registry of Deeds to the DES Wetlands Bureau.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. 2,140 sq. ft. of historic wetlands impacts to the Beaver Brook drainage, being a woods road having undersized culverts, will be removed and the area restored.
19. Wetland restoration area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

WETLAND RESTORATION:

1. This permit is contingent upon the restoration of 2,140 sq. ft. of historic wetlands impacts to the Beaver Brook drainage, being a woods road having undersized culverts, which will be removed and the area restored in accordance with plans and narrative received Oct. 13, 1999.

2. The schedule for restoration shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
 3. The restoration area shall be properly constructed, monitored, managed in accordance with approved final restoration plan, and the entire restoration area shall be preserved from future development.
 4. The wetland restoration area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
 5. The wetland restoration area shall be monitored and remedial actions taken that may be necessary to create a functioning wetland area similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
 6. The permittee shall monitor the initial restoration area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
 7. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.
 8. The applicant shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if these species are found in the restoration area.
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WETLAND PRESERVATION:

1. This permit is contingent upon the execution of a conservation easement on 18.10 acres as depicted on plans received Oct. 13, 1999.
2. The conservation easement placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. Draft conservation easement language shall be submitted to the Wetlands Bureau and local Conservation Commission for review and approval.
4. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot and a copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
5. The conservation easement area shall be marked by stakes and signs indicating the location and restrictions of the area prior to construction.
6. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
7. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2004-00011 PINCHARD, ROGER & JOANNE
MONT VERNON Unnamed Pond

Requested Action:

Dredge 25,500 square feet of palustrine aquatic bed and emergent wetlands within an exiting pond site to reestablish a palustrine unconsolidated bottom wetland.

Conservation Commission/Staff Comments:

No comments submitted by the local conservation commission.

Inspection Date: 04/09/2004 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Dredge 25,500 square feet of palustrine aquatic bed and emergent wetlands within an exiting pond site to reestablish a palustrine unconsolidated bottom wetland.

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on January 5, 2004, for the dredge foot print, March 1, 2004, for the cross section, and September 7, 2004 for sediment and erosion controls.
2. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
3. Work shall be done during low or non flow conditions.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project impacts 25,500 sq ft of wetlands to create a pond and is therefore a major impact project per Administrative Rule Wt 303.02(c), alteration of nontidal wetlands in excess of 20,000 sq ft.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on April 9, 2004. Field inspection determined the pond site is the result of constructing a berm, there is no evidence of excavating material to construct the pond, therefore new project, and a major impact.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

2004-00447 PAGE JR, HOWARD & LOIS
HAMPTON Drakes River Saltmarsh

Requested Action:

Dredge and fill a total of 34,700 sq. ft. of palustrine wet meadow (currently in agricultural use as a hayfield) to construct two 24-unit condominium buildings with parking and appurtenant drainage structures and including boardwalk sections and two observation platforms for a nature trail on this 25.50 acre parcel of land of which 22.25 acres (87% of the parcel) will be preserved, in perpetuity, as a conservation easement.

Conservation Commission/Staff Comments:

con com intervened until 4/30/2004.

Follow-up report from the Hampton Conservation Commission states: "The Conservation Commission does not oppose the granting of a wetlands permit for [this project]." Their comments include stipulations agreed to by the applicant.

Inspection Date: 04/23/2004 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 34,700 sq. ft. of palustrine wet meadow (currently in agricultural use as a hayfield) to construct two 24-unit condominium buildings with parking and appurtenant drainage structures and including boardwalk sections and two observation platforms for a nature trail on this 25.50 acre parcel of land of which 22.25 acres (87% of the parcel) will be preserved, in perpetuity, as a conservation easement.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 1/27/03 (last revised 9/17/04), as received by the Department on October 27, 2004.
2. Record approved plan with conservation easement for each appropriate lot within 30 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. NH DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

LAND RESOURCES PRESERVATION (COMPENSATORY MITIGATION):

1. This permit is contingent upon the execution of a conservation easement on 22.25 acres as depicted on plans received October 27, 2004 and per Draft Conservation Easement Deed received November 23, 2004.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Rockingham County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
6. The Wetlands Bureau Coastal Region staff shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c)to: Dredge and fill a total of 34,700 sq. ft. of palustrine wet meadow (currently in agricultural use as a hayfield) to construct two 24-unit condominium buildings with parking and appurtenant drainage structures and including boardwalk sections and two observation platforms for a nature trail on this 25.50 acre parcel of

land of which 22.25 acres (87% of the parcel) will be preserved, in perpetuity, as a conservation easement.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Coastal Region Staff conducted a field inspection of the proposed project on April 23, 2004. Field inspection determined the value of the 22.25 acre uplands/wetlands complex surrounding the Drakes River/Taylor River salt marsh ecosystem, which is to be placed, in perpetuity, in a conservation easement, outweighs the impacts to the freshwater wetlands for the two building units to be located along Drakeside Road.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem and the conservation easement provides compensatory mitigation for the wetlands impacts.

MINOR IMPACT PROJECT

1997-01542 HILLSBOROUGH, TOWN OF
HILLSBOROUGH Unnamed Wetland

Requested Action:

Fill a total of 3,467 sq ft of forested wetland, relocate approx 159.4 linear feet of seasonal stream, and restore and enhance approximately 1,000 sq ft of wetland. Work to include removal of an earthen ramp and establishment of 3:1 side slopes along the toe of slope.

Conservation Commission/Staff Comments:

No comments submitted from the conservation commission.

Inspection Date: 07/16/2002 by Gino E Infascelli

Inspection Date: 12/12/2002 by Jeffrey D Blecharczyk

APPROVE AMENDMENT:

Fill a total of 3,467 sq ft of forested wetland, relocate approx 159.4 linear feet of seasonal stream, and restore and enhance approximately 1,000 sq ft of wetland. Work to include removal of an earthen ramp and establishment of 3:1 side slopes along the toe of slope.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering dated September 24, 2001, revised by the applicant, as received by the Department on December 6, 2004.
2. This permit is contingent upon the restoration and enhancement of 1,000 sq. ft. of wetlands.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Work shall be done during low or non flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

8. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.

9. The wetland restoration and enhancement area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

10. The wetland restoration and enhancement area and the relocated stream channel shall be properly constructed and shall be monitored and any remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands and stream resource destroyed by the project. Remedial measures may include replanting, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

11. A certified wetland scientist shall monitor the initial construction of the mitigation area and stream relocation to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work.

12. A certified wetland scientist shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and stream relocation and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.

13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear ft of stream channel.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on May 24, 2001. Field inspection determined that the proposed restoration plan was the least impacting alternative to addressing the continued bank instability and water drainage problems caused by the confluence of drainage from the eastern and northern ends of Dump Road onto the subject property. This proposal removes an artificially created wetland area in exchange for more natural water drainage, thus protecting the quality of the drainage and the integrity of the Buker property.

6. DES Staff conducted a field inspection of the proposed project on July 16, 2002. Field inspection determined work exceeded the original permitted impacts as approved on December 20, 2001.

7. DES Staff conducted a field inspection of the proposed project on December 12, 2002. Site covered by 1 ft of snow, requested existing conditions plan be submitted with proposed restoration.

8. This project will address the drainage problems caused by changes to the natural drainage patterns caused by uncoordinated development and changes to certain properties in this immediate area.

2001-00035

WILLIAMS III, CHARLES

GREENLAND Unnamed Wetland

Requested Action:

Retain 4,422 sq. ft. of wetland fill for the construction of a driveway and installation of a culvert to access buildable upland.

Inspection Date: 12/23/2002 by David A Price

Inspection Date: 09/24/2004 by David A Price

APPROVE AFTER THE FACT:

Retain 4,422 sq. ft. of wetland fill for the construction of a driveway and installation of a culvert to access buildable upland.

With Conditions:

1. Any further alteration of wetlands on this property will require a new application and further permitting by the DES Wetlands Bureau.
2. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated September 2004, as received by the Department on December 3, 2004.

With Findings:

1. This is a minor impact project per Wt 303.03.
2. This work was a result of inadvertent misinterpretation of DES Wetlands Bureau - Code of Administrative Rules.
3. This proposal meets the criteria of Chapter Wt 300 for approvable minor impact projects.

2002-02411 ROBERTSON, GARRY
ALTON Lake Winnepesaukee

Requested Action:

Repair an existing 10 ft x 44 ft piling dock in-kind on an average of 85 ft of frontage on Alton Bay, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

spoke w/ Town of Alton to verify all info received relating to lots 25 & 26, map 51

APPROVE PERMIT:

Repair an existing 10 ft x 44 ft piling dock in-kind on an average of 85 ft of frontage on Alton Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated October 16, 2002, as received by the Department on November 6, 2002.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Repair shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any future enforcement action or revocation action against the seasonal dock at a later time.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. The existing adjacent 4 ft by 40 ft seasonal dock was not permitted by DES in the current configuration.

2003-01689

HILL, ROBERT & KATRINA

SUNAPEE Sunapee Lake

Requested Action:

Install a 4 ft x 20 ft floating seasonal dock accessed by (2) 4 ft x 8 ft seasonal ramps for handicap purposes, connected parallel to an existing repaired 7 ft x 60 ft crib dock attached to an existing repaired 24 ft x 56 ft crib supported boathouse on an average of 98 ft of frontage on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con. Com. suggested DES approve the project.

APPROVE PERMIT:

Install a 4 ft x 20 ft floating seasonal dock accessed by (2) 4 ft x 8 ft seasonal ramps for handicap purposes, connected parallel to an existing repaired 7 ft x 60 ft crib dock attached to an existing repaired 24 ft x 56 ft crib supported boathouse on an average of 98 ft of frontage on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Katrina & Robert Hill dated December 8, 2004, as received by the Department on December 10, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The floating seasonal dock and ramp shall be used for handicap purposes only and shall be permanently removed once Katrina Hill is no longer the owner of record.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. The floating seasonal dock and ramp shall be removed for the non-boating season.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. These shall be the only structures on this water frontage and all portions of the seasonal floating dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of a 4-slip docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. This permit is issued for loading and unloading of a handicap passenger only. Once the ownership has been transferred the dock shall be permanently removed.
6. This modification does not increase the number of boat slips provided on the frontage.

2004-01721 GRANTHAM, TOWN OF
GRANTHAM Unnamed Wetland

Requested Action:

Dredge and fill 14430 square feet of scrub shrub wetland for access to a proposed municipal building, parking and a proposed fire pond.

Conservation Commission/Staff Comments:

The Grantham Conservation Commission supports the proposed project and is willing to monitor the conservation easement.

APPROVE AMENDMENT:

Dredge and fill 14430 square feet of scrub shrub wetland for access to a proposed municipal building, parking and a proposed fire pond.

With Conditions:

1. All work shall be in accordance with plans by WAE Design Group dated June 30, 2004, as received by the Department on July 27, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. Work shall be done during low flow.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Mitigation Conditions:

14. This permit is contingent upon the execution of a conservation easement on 55 acres further described as Grantham Tax Map 210 lot 10.
15. The conservation easement to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
16. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
17. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
18. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill,

construction of structures, and storage of vehicles or hazardous materials is prohibited.

19. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 15, 2004. Field inspection determined wetlands were accurately delineated and the resources had been impacted by logging and erosion over the years.
6. The Grantham Conservation Commission supports the proposed project and is willing to monitor the conservation easement.
7. The applicant has provided mitigation in excess of Wetlands Administrative Rules Chapter Wt 800.
8. The proposed impact is for a municipal building to service the local community.

2004-01775 SALACH, ANDREW & SHIRLEY
MIDDLETON Unnamed Wetland

Requested Action:

Fill 12,917 square feet of palustrine forested wetland to construct an access road serving a 23-lot residential subdivision on 133 acres of land. Mitigate by placing a conservation easement on 23.4 acres of undeveloped land along Jones Brook.

APPROVE PERMIT:

Fill 12,917 square feet of palustrine forested wetland to construct an access road serving a 23-lot residential subdivision on 133 acres of land. Mitigate by placing a conservation easement on 23.4 acres of undeveloped land along Jones Brook.

With Conditions:

1. All work shall be in accordance with revised plans by Meridian Land Services, Inc. dated 09/24/04, as received by the Department on 10/08/04.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. This permit is contingent on approval by the DES Site Specific Program.
7. This permit is contingent on approval by the DES Subsurface Systems Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or

netting and pinning on slopes steeper than 3:1.

13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

MITIGATION CONDITIONS:

16. This permit is contingent upon the execution of a conservation easement on 23.4 acres of undeveloped land as depicted on plans received 10/8/04.

17. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

18. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

19. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

20. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

21. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

22. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This project is classified as a Minor Project per NH Administrative Rule Wt 303.03 (I), as impacts are less than 20,000 square feet.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The applicant is proposing to place 23.4 acres of undeveloped land (10.06 acres of upland and 13.34 acres of wetland) into conservation easement along Jones Brook to mitigate wetland impacts.

6. DES finds that Rule Wt 803.03(b), which requires that wetland areas are equal to or less than 50 percent of the total conservation area, is intended for projects that only provide the minimum amount of compensatory mitigation and that the current mitigation parcel exceeds the ratios of the mitigation rules.

2004-02392 GOVERNORS CROSSING LLC **LACONIA Unnamed Wetland**

Requested Action:

Dredge and fill 3318 square feet of palustrine forested wetland for access in the subdivision of 48.813 acres into 88 single family lots.

Conservation Commission/Staff Comments:

The Laconia Conservation Commission initially intervened on the application but no report has been received to date.

APPROVE PERMIT:

Dredge and fill 3318 square feet of palustrine forested wetland for access in the subdivision of 48.813 acres into 88 single family lots.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering and Surveying dated May 17, 2004, and revised through December 10, 2004 as received by the Department on December 10, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done in dry conditions.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Dredged materials shall be placed outside of wetlands jurisdiction.
13. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. Silt fencing must be removed once the area is stabilized.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has adequately address the requirements of Administrative Rule Wt 304.09, Subdivisions.

Requested Action:

Applicant requests amendment to correct width of seasonal dock to 6 ft and include a 20 ft x 40 ft dug-in boathouse.

Conservation Commission/Staff Comments:

Con. Com. requested 40 day hold and then never commented on project.

APPROVE AMENDMENT:

Amend Permit to Read:

Permanently remove an existing 5 ft x 30 ft seasonal dock connected to an existing 5 ft x 10 ft seasonal pier, and replace with a 6 ft x 40 ft seasonal pier hinged to a 6 ft x 4 ft concrete pad, install a 10 ft x 12 ft 6 in seasonal boatlift, and excavate 1242 sq ft of bank to construct a 20 ft x 40 ft 1-slip dug-in boathouse with a 10 ft x 12 ft boatlift and dredge 15.8 cu yds from 396 sq ft of lakebed for access on an average of 161 ft of frontage on Lake Winnisquam, Laconia.

With Conditions:

With Amended Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated December 4, 2004, as received by the Department on December 14, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 502.35) above normal high water (Elev. 482.35).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. Seasonal structures, including piers and lifts, shall be removed from the lake for the non-boating season.
14. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(g), removal of no more than 20 cubic yards of sediment from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Applicant requested amendment to original seasonal dock permit.

2004-02524 ST HILAIRE, KENNETH
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Construct three 4 ft x 30 ft piling piers connected by a 6 ft x 34 ft piling supported walkway, in a "W" configuration, construct a 4 ft x 25 ft dock cantilevered to existing shoreline, remove 5 cu yds of fill from the lakebed, install a 3-piling ice cluster, repair 220 linear ft of existing rock retaining wall in-kind, and construct a 4 ft x 6 ft stairs accessing the water on an average of 308 ft of frontage on Long Island, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE PERMIT:

Construct three 4 ft x 30 ft piling piers connected by a 6 ft x 34 ft piling supported walkway, in a "W" configuration, construct a 4 ft x 25 ft dock cantilevered to existing shoreline, remove 5 cu yds of fill from the lakebed, install a 3-piling ice cluster, repair 220 linear ft of existing rock retaining wall in-kind, and construct a 4 ft x 6 ft stairs accessing the water on an average of 308 ft of frontage on Long Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Docks Unlimited, as received by the Department on October 12, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All dredged and removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Repair shall maintain existing size, location and configuration.
9. Work shall be done during low water.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a 4-slip docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 17, 2004. Field inspection determined the project to be approvable.

2004-02561 LANGILLE, LLOYD
CHESTER Unnamed Wetland

Requested Action:

Fill approximately 3,230 square feet within palustrine forested wetlands to install two 24-inch x 108-foot culverts with stone outlet protection and construct a road to provide access to an 8-lot residential subdivision on approximately 22.7 acres. Fill approximately 335 square feet within a man-made drainage ditch to construct a stormwater detention pond.

Conservation Commission/Staff Comments:

No comments received from the Chester Conservation Commission.

APPROVE PERMIT:

Fill approximately 3,230 square feet within palustrine forested wetlands to install two 24-inch x 108-foot culverts with stone outlet protection and construct a road to provide access to an 8-lot residential subdivision on approximately 22.7 acres. Fill approximately 335 square feet within a man-made drainage ditch to construct a stormwater detention pond.

With Conditions:

1. All work shall be in accordance with the "Fisher Estates" subdivision plans (Sheets 1 - 10 of 10) by Eric C. Mitchell & Assoc. Inc. dated September 21, 2004 and last revised November 30, 2004, as received by the Department on December 2, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. Work shall be conducted during low flow conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Stone aprons shall be installed at culvert outlets to dissipate flow velocities and prevent scour and erosion.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as it involves less than 20,000 square feet of alteration in nontidal wetlands and surface waters.
2. In a Memo dated October 7, 2004 the NH Natural Heritage Bureau notified the applicant's authorized agent, Eric Mitchell & Associates Inc., that in 1984 a single Swamp Darter was documented in Towle Brook, where the Brook flows beneath Towle Road.
3. The Department has received no comments from the NH Fish & Game Department regarding project impacts to potential Swamp Darter populations in Towle Brook. Furthermore, the Department finds that as the southern-most property boundary is located greater than 1,000 feet north of the crossing of Towle Brook beneath Towle Road, project impacts to potential Swamp

Darter populations in Towle Brook should be insignificant.

4. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
7. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09.

2004-02810 MANCHESTER, CITY OF
MANCHESTER Piscataqua River

Requested Action:

Install 915 sq. ft. of rip rap in the bank of the North Branch, Piscataquog River, to stabilize the eroded outlet of an existing culvert.

Conservation Commission/Staff Comments:

Con. Com. signed the expedited application.

APPROVE PERMIT:

Install 915 sq. ft. of rip rap in the bank of the North Branch, Piscataquog River, to stabilize the eroded outlet of an existing culvert.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner, & Associates, Inc. dated 10/18/04, as received by the Department on 11/18/04.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear ft. of a perennial non-tidal streams which does not meet the criteria from minimum under Wt 303.04(n) (intermittent streams only).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Piscataquog River Local Advisory Committee has also reviewed the proposal and endorses the plan to armor the outfall to prevent further erosion and sedimentation, per comments provided to DES in their 12/2/04 minutes.

MINIMUM IMPACT PROJECT

2004-00699 NEVINS ENTERPRISES
HAMPTON Tidal Buffer

Requested Action:

Excavate, regrade, construct structures or otherwise alter terrain over a total of 3,600 sq. ft. (1,220 sq. ft. permanent impacts and 2,380 sq. ft. temporary impacts) within the 100 ft. upland tidal buffer zone to construct four (4) condominium units with appurtenant grading and landscaping.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission filed a report enumerating 4 reasons for being opposed to the project. These 4 concerns have been addressed by the applicant and were considered in the review of this project.

APPROVE PERMIT:

Excavate, regrade, construct structures or otherwise alter terrain over a total of 3,600 sq. ft. (1,220 sq. ft. permanent impacts and 2,380 sq. ft. temporary impacts) within the 100 ft. upland tidal buffer zone to construct four (4) condominium units with appurtenant grading and landscaping.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 3/10/04 (last revised 8/06/04), as received by the Department on August 30, 2004.
2. There shall be no further alteration of areas in DES wetlands jurisdiction for lot development, driveways, culverts, or for other construction activities.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. NH DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b): Excavate, regrade, construct structures or otherwise alter terrain over a total of 3,600 sq. ft. (1,220 sq. ft. permanent impacts and 2,380 sq. ft. temporary impacts) within the 100 ft. upland tidal buffer zone to construct four (4) condominium units with appurtenant grading and landscaping.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The Hampton Conservation Commission filed a report enumerating 4 reasons for being opposed to the project. These 4 concerns have been addressed by the applicant and were considered in the review of this project.

2004-01227 LOWES HOME CENTER INC
CONCORD Unnamed Wetland

Requested Action:

Fill 1905 square feet of man made wetland for redevelopment of an existing commercial site.

Conservation Commission/Staff Comments:

The Concord Conservation Commission has no objections to the proposed project.

APPROVE PERMIT:

Fill 1905 square feet of man made wetland for redevelopment of an existing commercial site.

With Conditions:

1. All work shall be in accordance with plans by Rizzo Associates dated June 14, 2004, and revised through November 4, 2004, as received by the Department on November 24, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. Work shall be done during low flow.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands, and the Protected Shoreline.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The wetlands impacted for this redevelopment are man made wetlands.
6. The storm water treatment will be improved over the site.
7. The applicant will not be cutting trees within 250 feet of the Merrimack River.

2004-02309 FERRY, WILLIAM
GILFORD Lake Winnepesaukee

Requested Action:

Applicant requests amendment to include repair to an existing stone wall.

Conservation Commission/Staff Comments:
Con. Com. did not object to proposed project.

APPROVE AMENDMENT:
Amend Permit to Read:

Repair 167 linear ft of shoreline by resetting existing rocks and adding a few large boulders in the bank, repair 95 linear ft stone wall in-kind, plant a 5 ft wide vegetative buffer, and replace existing wooden steps with granite steps accessing the water on an average of 270 ft of frontage on Governors Island, Lake Winnepesaukee.

With Conditions:
With Amended Conditions:

1. All work shall be in accordance with plans by Belknap Landscape Company dated September 17, 2004, revised on October 26, 2004, revised again on November 30, 2004, as received by the Department on December 2, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Existing rocks which have fallen shall be used for repair with limited additional rocks allowed to stabilize bank.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. No large trees will be removed to protect the habitat of bald eagles.
9. All removed material shall be placed outside the jurisdiction of the Wetlands Bureau.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
11. Work shall be done during low water.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:
1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. The NHI hit was deemed to have no affect as long as no large trees will be removed.

2004-02410 LINCOLN, WILLIAM
TAMWORTH Great Hill Pond

Requested Action:
Dredge and fill 1200 square feet within a man made ditch to repair an existing irrigation and fire suppression system.

Conservation Commission/Staff Comments:
The Tamworth Conservation Commission supports the project in accordance with their letter dated October 18, 2004.

APPROVE PERMIT:
Dredge and fill 1200 square feet within a man made ditch to repair an existing irrigation and fire suppression system.

With Conditions:

1. All work shall be in accordance with plans by David Weathers dated September 2004, as received by the Department on October 6, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. The applicant shall notify in writing the DES Wetlands Bureau, the Tamworth Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
4. Work shall be conducted during dry soil conditions.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back at least 100 feet from the prime wetland d)set back as far as possible from non designated wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. The construction sequence on the plans shall be strictly adhered to.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Area of impact shall be regraded to original contours following completion of work.
9. All material removed during work activities shall be placed out of DES's jurisdiction, and outside of the prime wetland buffer zone.
10. Mulch within the restoration area shall be straw.
11. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
12. At the end of construction a water bar shall be constructed to at the base of the double hemlock 35 feet from the prime, to direct water away from the prime wetland.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f) projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on December 9, 2004. Field inspection determined the proposed project will not impact the prime in any way. The proposed impact area is down slope of the prime, and no trees will need to be cleared for access.

2004-02583 **GUITARD, MICHAEL**
JAFFREY **Unnamed Wetland**

Requested Action:

Dredge and fill approximately 1,000 square feet of forested wetland to replace two (2) 18-inch culverts with two (2) 18-inch by 20-foot culverts to upgrade an existing woods road for access to a single family residential lot on approximately 7.05 acres as part of a 2-lot subdivision of approximately 13.6 acres.

Conservation Commission/Staff Comments:

The Jaffrey Conservation Commission did not sign the PBN and submitted comment with no objection.

APPROVE PERMIT:

Dredge and fill approximately 1,000 square feet of forested wetland to replace two (2) 18-inch culverts with two (2) 18-inch by 20-foot culverts to upgrade an existing woods road for access to a single family residential lot on approximately 7.05 acres as part of a 2-lot subdivision of approximately 13.6 acres.

With Conditions:

1. All work shall be in accordance with the following plans by Meridian Land Services, Inc.:
 - a.) The Topographic Worksheet (Sheet 1 of 2) dated November 29, 2004 as received by the Department on December 6, 2004;
 - b.) The Driveway Plan dated July 9, 2004 as received by the Department on October 26, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02748 WHITE, JOHN & BARBARA
BARTLETT Unnamed Wetland**

Requested Action:

Fill approximately 747 square feet of forested wetland to install a 24-inch by 30-foot culvert for access to a single family residential lot.

Conservation Commission/Staff Comments:

The Bartlett Conservation Commission DID NOT sign the Minimum Impact Expedited Application nor did they submit comment.

APPROVE PERMIT:

Fill approximately 747 square feet of forested wetland to install a 24-inch by 30-foot culvert for access to a single family residential lot.

With Conditions:

1. All work shall be in accordance with the Wetland Impact Plan by Ammonoosuc Survey Company, Inc. dated September 2, 2004 and revised December 15, 2004 with erosion controls, as received by the Department on November 12, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.

4. Work shall be done during low flow conditions.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-02762 GALVINI, SHELIA
WOLFEBORO Lake Wentworth

Requested Action:

Excavate 360 sq ft of bank to construct a 20 ft x 18 ft perched beach, utilizing 10 cu yds of sand, surrounded by 55 linear ft of stone wall, with steps accessing the beach and the water, on an average of 205 ft of frontage on Lake Wentworth, Wolfeboro.

Conservation Commission/Staff Comments:

Con. Com. did not sign application

APPROVE PERMIT:

Excavate 360 sq ft of bank to construct a 20 ft x 18 ft perched beach, utilizing 10 cu yds of sand, surrounded by 55 linear ft of stone wall, with steps accessing the beach and the water, on an average of 205 ft of frontage on Lake Wentworth, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction of Wolfeboro dated November 9, 2004, revised on December 10, 2004, as received by the Department on December 10, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.

10. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a perched beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2004-02225 DEMARTIN FAMILY TRUST ANN F, CLIFTON PELISSIER SR
GILMANTON Unnamed Stream

COMPLETE NOTIFICATION:
Gilmanton Tax Map 49, Lot# 65

2004-02878 PORRITT, ELEANOR
GOFFSTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Goffstown Tax Map 7, Lot# 94

2004-02892 LOTTERO, ROBERT
LANCASTER Unnamed Stream

COMPLETE NOTIFICATION:
Lancaster Tax Map R3, Lot# 2 & 6

2004-02900 BYRNES, DANIEL
LYMAN Unnamed Stream

COMPLETE NOTIFICATION:
Lyman Tax Map 170, Lot# 27

2004-02918 COLE, LUANE/ALBERT
LYME Unnamed Stream

COMPLETE NOTIFICATION:

Lyme Tax Map 408, Lot# 61.2

2004-02935 QUIMBY, JERALD & GERALDINE
HILL Unnamed Stream

COMPLETE NOTIFICATION:

Hill Tax Map R11, Lot# 19

2004-02936 WELCH, EMILY
NEWBURY Unnamed Stream

COMPLETE NOTIFICATION:

Newbury Tax Map 33 & 43, Lot# 197,164 & 592,097

2004-02937 HENDERSON, JAMES
KEENE Unnamed Stream

COMPLETE NOTIFICATION:

Keene Tax Map 924, Lot# 6

2004-02938 ANDORRA FOREST
STODDARD Unnamed Stream

COMPLETE NOTIFICATION:

Stoddard Tax Map 410, Lot# 6

2004-02945 EMERSON, DENLEY
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:

Sandwich Tax Map R11, Lot# 18 & 25

2004-02951 CONNECTICUT LAKES REALTY TRUST, C/O LYME TIMBER
PITTSBURG Unnamed Stream

COMPLETE NOTIFICATION:

Pittsburg Tax Map 1, Lot# 26

2004-02958 CURRIER, VIRGINIA
MADISON Unnamed Stream

COMPLETE NOTIFICATION:

Madison Tax Map 11, Lot# 40-2

2004-02960 **WALLACE, WILLIAM**
GRAFTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Grafton Tax Map 17, Lot# 1208

2004-02963 **MORETTO, JOHN/MARY ELLEN**
WARNER **Unnamed Stream**

COMPLETE NOTIFICATION:
Warner Tax Map 1, Lot# 2

2004-02973 **BOYNTON, GENE & WINNIFRED**
NEW HAMPTON **Unnamed Stream**

COMPLETE NOTIFICATION:
New Hampton Tax Map R18, Lot# 31

2004-02974 **SPNHF**
NEW BOSTON **Unnamed Stream**

COMPLETE NOTIFICATION:
New Boston Tax map 8, Lot# 109

2004-02975 **AZUBAH TRUST, DAVID SUMNER DUSTIN TTEE**
BOSCAWEN **Unnamed Stream**

COMPLETE NOTIFICATION:
Boscawen Tax map 83, Lot# 68

2004-02976 **FISCH, NORBERT/SUSANNA**
ASHLAND **Unnamed Stream**

COMPLETE NOTIFICATION:
Ashland Tax Map 8, Lot# 1-11

2004-02977 **STROMSON REALTY TRUST, NANCY RYDSTROM**
HOLLIS **Unnamed Stream**

COMPLETE NOTIFICATION:
Hollis Tax Map 9, Lot# 87

2004-02978 **WALKER, KENNETH & ALEXIS**
BEDFORD **Unnamed Stream**

COMPLETE NOTIFICATION:

Bedford Tax map M, Lot# 4-1

2004-02980 HEMINGWAY, KENT & CAROLYN
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:

Tamworth Tax Map 411, Lot# 46

2004-02989 BAYROOT LLC, MOXIE TREE FARM
ATK GIL GRANT Unnamed Stream

COMPLETE NOTIFICATION:

Atkinson & Gilmanton Aca. Grant Tax Map 1628, Lot# 2

2004-02990 WEBSTER LAND CORP, C/O WAGNER FOREST MGMT
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:

Sandwich Tax map 21, Lot# 2

2004-02991 WEBSTER LAND CORP
CAMPTON Unnamed Stream

COMPLETE NOTIFICATION:

Campton Tax map 17, Lot# 6-14

2004-02993 BOSTON MINUTEMAN COUNCIL, INC, BSA
STRAFFORD Unnamed Stream

COMPLETE NOTIFICATION:

Strafford Tax map 9 & 10, Lot# 20, 20A & 2

2004-02994 NH FISH & GAME DEPARTMENT
MOULTONBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:

Moultonboro Tax Map 16,18 & 20, Lot# 4

EXPEDITED MINIMUM

2004-01652 COOLEY, JAMES
ANDOVER Highland Lake

Requested Action:

Applicant requests amendment for a 6 ft x 30 ft seasonal dock and replacement of concrete wall with stone.

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE AMENDMENT:

Amend Permit to Read:

Replace 29 linear ft of concrete retaining wall with stone, replace 60 linear ft of wood retaining wall with stone, repair an existing 8 ft x 10 ft concrete pad, and install a 6 ft x 30 ft seasonal dock on an average of 100 ft of frontage on Highland Lake, Andover.

With Conditions:

1. All work shall be in accordance with plans by James R. Cooley, as received by the Department on December 16, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All removed material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. Work shall be done during low water.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a 2-slip seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01768 ILLIAN, CARL
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Place 8 cubic yards of clean washed beach sand on an existing sloped beach on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Place 8 cubic yards of clean washed beach sand on an existing sloped beach on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on December 7, 2004.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Area shall be regraded to original contours following completion of work.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. No more than 8 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(aa), replenishment of sand on an existing beach.

2004-02042 GYPSY CAMP TRUST, BEVERLY WILSON TTEE
MEREDITH Lake Winnepesaukee

Requested Action:

Dredge and fill 485 square feet of forested wetland including installation of a 12-inch x 28 foot culvert for access in the proposed subdivision of 10 acres into two condominium lots and a common lot.

Conservation Commission/Staff Comments:

The Meredith Conservation Commission signed the minimum impact application form.

APPROVE PERMIT:

Dredge and fill 485 square feet of forested wetland including installation of a 12-inch x 28 foot culvert for access in the proposed subdivision of 10 acres into two condominium lots and a common lot.

With Conditions:

1. All work shall be in accordance with plans by Associated Surveyors Inc dated June 20, 2003, and revised through November 24, 2004, as received by the Department on December 1, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental removal of the existing vegetative buffer.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. The culvert outlet shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES has received correspondence from the Natural Heritage Inventory indicating that the project will not impact the rare plant.

2004-02419 WIDERSTROM, DAVID
ALTON Unnamed Wetland

Requested Action:

Dredge and fill an approximate total of 1,330 square feet of forested wetlands for the installation of a 18-inch by 20-foot culvert(1,032 sq.ft. of impact) and a 12-inch by 20-foot culvert (298 sq.ft. of impact)for access to a single family residential lot on approximately 5.09 acres.

Conservation Commission/Staff Comments:

The Alton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill an approximate total of 1,330 square feet of forested wetlands for the installation of a 18-inch by 20-foot culvert(1,032 sq.ft. of impact) and a 12-inch by 20-foot culvert (298 sq.ft. of impact)for access to a single family residential lot on approximately 5.09 acres.

With Conditions:

1. All work shall be in accordance with the following plans:
 - a.) Subdivision Plan of Land by DMC Surveyors dated February 5, 2004 with revisions through May 17, 2004, as received by the Department on November 15, 2004;
 - b.) Widerstrom Proposed Driveway Wetland Crossings, as received by the Department on October 13, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed driveway is within 20-feet of an abutting property line. Since the applicant owns the abutting property no written consent is needed per Wt 304.04.

2004-02750 LORENZE, MARK
FRANKLIN Webster Lake

Requested Action:

Replace an existing 6 ft by 40 ft seasonal dock with a 6 ft by 40 ft seasonal dock on Webster Lake, Franklin.

Conservation Commission/Staff Comments:

Con Com signed Expedited Application

APPROVE PERMIT:

Replace an existing 6 ft by 40 ft seasonal dock with a 6 ft by 40 ft seasonal dock on Webster Lake, Franklin.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on November 12, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

2004-02751 MESERVE, ROBERT
LYMAN Unnamed Pond

Requested Action:

Maintenance Dredge approximately 7,950 square feet of a man-made pond.

Conservation Commission/Staff Comments:

The Lyman Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Maintenance Dredge approximately 7,950 square feet of a man-made pond.

With Conditions:

1. All work shall be in accordance with plans received by the Department on November 23, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be conducted during (seasonal) low flow conditions, and during drawdown where practicable.
4. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. Machinery shall not be located within surface waters, where practicable.
6. Machinery shall be staged and refueled in upland areas.
7. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Stockpiled dredged material shall be dewatered in upland areas to sedimentation basins lined with erosion and siltation controls to prevent water quality degradation. Dewatering areas must be located at least 20 feet away from jurisdictional areas.
9. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700;
10. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This permit authorizes one-time maintenance dredge work. This permit does not allow for annual or periodic maintenance work.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness, of nontidal drainage ditches, man-made ponds, and spillways.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-02764 MACLEAN, LAUREEN & ROBERT
BROOKLINE Unnamed Stream

Requested Action:

Dredge and fill 1,120 sq. ft. of forested wetlands and intermittent stream to install a 24" x 50' culvert for a road crossing for a 9-lot subdivision on 27.76 acres.

Conservation Commission/Staff Comments:

Con. Com. signed expedited application.

APPROVE PERMIT:

Dredge and fill 1,120 sq. ft. of forested wetlands and intermittent stream to install a 24" x 50' culvert for a road crossing for a 9-lot subdivision on 27.76 acres.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated 11/9/04 and 10/15/2004, as received by the Department on 11/15/04, and 12/15/04, respectively.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
7. No fill shall be done for lot development.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
9. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #8 of this approval.
10. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau.

11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

12. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. Prime wetlands review for this project finds that this project is not adjacent to the town of Brookline's designated prime wetlands.

**2004-02802 PEASE DEVELOPMENT AUTH, PEASE INTL TRADEPORT
PORTSMOUTH Unnamed Wetland**

Requested Action:

Dredge and fill approximately 60 square feet within an emergent wetland to install 6 wooden utility poles within an existing utility right-of-way.

Conservation Commission/Staff Comments:

The Portsmouth Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 60 square feet within an emergent wetland to install 6 wooden utility poles within an existing utility right-of-way.

With Conditions:

1. All work shall be in accordance with plans received by the Department on November 17, 2004. 2. DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.

3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

4. All work shall be conducted during frozen soil conditions to minimize wetlands impacts.

5. Appropriate erosion, siltation and turbidity controls shall be installed prior to utility pole installation, shall be maintained during installation, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Timber or natural fiber mats or corduroy shall be used, where necessary, to stabilize the right-of-way in wetlands to prevent rutting of the soil. These materials shall be entirely removed from wetlands immediately following completion of work.

7. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.

8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.

9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in their use.

10. All refueling of equipment shall occur at least 100 feet from surface waters or wetlands during construction.

11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

With Findings:

1. The project is categorized as a Minimum Impact Project, per Administrative Rule Wt 303.04(f), less than 3,000 square feet of impact to jurisdictional wet meadow.
2. Construction of the new transmission line is necessary to meet increased energy demands in the Portsmouth area.
3. In a memo dated November 24, 2003, the NH Natural Heritage Bureau informed the NHDES Wetlands Bureau that the following rare species have been documented in the project vicinity: a. Red maple - sensitive fern swamp; b. Bulbous Bitter-creed (State Threatened). Based on review of the map provided by the NH Natural Heritage Bureau depicting the known locations of these species, the Department finds that the project will not adversely impact these species.
4. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
5. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

2004-02811 STICH, ROBERT & SUSANNE
DUNBARTON Unnamed Wetland

Requested Action:

Dredge and fill 1,056 sq. ft. of forested wetlands and install a 15" x 16' culvert for a driveway crossing to a 24.84-acre single family house lot.

Conservation Commission/Staff Comments:

Con. Com. signed expedited application.

APPROVE PERMIT:

Dredge and fill 1,056 sq. ft. of forested wetlands and install a 15" x 16' culvert for a driveway crossing to a 24.84-acre single family house lot.

With Conditions:

1. All work shall be in accordance with plans by Bow Mills Land Management Land Surveyors dated 11/01/04, as received by the Department on 11/18/04.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Proper headwalls shall be constructed within seven days of culvert installation.
4. Culvert outlets shall be properly rip rapped.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert for access to a piece of property for a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-02849 PEASE DEVELOPMENT ASSOCIATION
NEWINGTON Unnamed Wetland

Requested Action:

Dredge and fill approximately 40 square feet within an emergent wetland to install 4 wooden utility poles within an existing utility right-of-way.

Conservation Commission/Staff Comments:

The Portsmouth Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 40 square feet within an emergent wetland to install 4 wooden utility poles within an existing utility right-of-way.

With Conditions:

1. All work shall be in accordance with plans received by the Department on November 29, 2004. 2. DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. All work shall be conducted during frozen soil conditions to minimize wetlands impacts.
5. Appropriate erosion, siltation and turbidity controls shall be installed prior to utility pole installation, shall be maintained during installation, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Timber or natural fiber mats or corduroy shall be used, where necessary, to stabilize the right-of-way in wetlands to prevent rutting of the soil. These materials shall be entirely removed from wetlands immediately following completion of work.
7. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in their use.
10. All refueling of equipment shall occur at least 100 feet from surface waters or wetlands during construction.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

With Findings:

1. The project is categorized as a Minimum Impact Project, per Administrative Rule Wt 303.04(f), less than 3,000 square feet of impact to jurisdictional wet meadow.
2. Construction of the new transmission line is necessary to meet increased energy demands in the Portsmouth area.
3. In a memo dated December 7, 2003, the NH Natural Heritage Bureau informed the NHDES Wetlands Bureau that the following rare specie has been documented in the project vicinity: a. Red maple - sensitive fern swamp. Based on review of the map provided by the NH Natural Heritage Bureau depicting the known locations of these species, the Department finds that the project will not adversely impact these species.
4. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
5. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to

areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

6. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

2004-02853

KEANE, TIMOTHY & KATHY

RYE Atlantic Ocean

Requested Action:

Impact a total of 839 square feet within the 100-foot Tidal Buffer Zone (including 516 square feet of permanent impact and 323 square feet of temporary impact) to construct a 21-foot by 28-feet 9-inch addition to an existing single family dwelling on approximately 0.13 acres.

Conservation Commission/Staff Comments:

The Rye Conservation Commission (CC) signed the Minimum Impact Expedited Application.

The CC submitted a letter dated November 28, 2004 stating the issuance of the permit without objection.

APPROVE PERMIT:

Impact a total of 839 square feet within the 100-foot Tidal Buffer Zone (including 516 square feet of permanent impact and 323 square feet of temporary impact) to construct a 21-foot by 28-feet 9-inch addition to an existing single family dwelling on approximately 0.13 acres.

With Conditions:

1. All work shall be in accordance with The Plan of Land by E.J. Cote & Associates dated June 23, 2004, as received by the Department on November 29, 2004.
2. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. There shall be no further alteration within areas of jurisdiction for lot development, driveways, culverts, or for other construction activities.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b) Projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In a memo dated December 7, 2004 from NHNHB, Beach Grass (*Ammophila breviligulata*) was identified as the only exemplary natural community near the project site. DES makes the finding that since the species is not located within the immediate project site it will not be adversely impacted.

TRAILS NOTIFICATION

2004-02952 MAGUIRE, DENNIS
NORTH STRATFORD Unnamed Stream

COMPLETE NOTIFICATION:

North Stratford Tax Map R26, Lot# 5

SHORELAND VARIANCE / WAIV

2004-01798 ALTON BAY CAMPMEETING ASSOC, DEAN SKINNER
ALTON Lake Winnepesaukee

Requested Action:

Relocation and improvement of four existing non-conforming residential structures destroyed by fire within the primary building setback with the following modifications to the sqft of impacts, Lot 32 reduce the footprint from 729 sqft to 704 sqft, lot 33, increase the footprint from 764 sqft to 816 sqft, lot 34, increase the footprint from 744 sqft to 784 sqft, lot 35, increase the footprint from 844 sqft to 1140 sqft. The proposed modifications will not decrease the setback between the waterbody and the structures.

APPROVE CSPA WAIVER:

Relocation and improvement of four existing non-conforming residential structures destroyed by fire within the primary building setback with the following modifications to the sqft of impacts, Lot 32 reduce the footprint from 729 sqft to 704 sqft, lot 33, increase the footprint from 764 sqft to 816 sqft, lot 34, increase the footprint from 744 sqft to 784 sqft, lot 35, increase the footprint from 844 sqft to 1140 sqft. The proposed modifications will not decrease the setback between the waterbody and the structures.

With Conditions:

1. All work shall be conducted in accordance with plans by New Hampshire Soil Consultants dated July 26, 2004, revision date November 11, 2004, as received by the department on September 29, 2004 and October 13, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds. A copy of the recorded waiver shall be sent to the department before construction may begin.
3. Limestone shall be the only type of fertilizer used within 25 ft of the reference line. Low or no phosphorus fertilizer shall be the only fertilizer used from 25 ft - 250 ft beyond the reference line.
4. Within three days of final grading or temporary suspension of work all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
9. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
10. The site shall be stabilized as soon as work on each footprint is completed. The proposed plantings shall be done by August, 2005.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to re-vegetate the area between the residences and the waterbody and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B:11, I.

2004-02483 BENSON, HARRY
HOPKINTON Rolf Pond

Requested Action:

Expand the existing non-conforming 576 sq ft residential structure to 841 sq ft and increase the primary building setback from 3 ft to 12 ft away from the reference line and further increase the outside dimensions by increasing the ridgeline height from 19 ft to 23 ft and construct a 100 ft stone retaining wall with plantings behind the existing driveway to divert storm water runoff and prevent sediment with detrimental nutrients from potentially entering Rolf Pond.

APPROVE CSPA WAIVER:

Expand the existing non-conforming 576 sq ft residential structure to 841 sq ft and increase the primary building setback from 3 ft to 12 ft away from the reference line and further increase the outside dimensions by increasing the ridgeline height from 19 ft to 23 ft and construct a 100 ft stone retaining wall with plantings behind the existing driveway to divert storm water runoff and prevent sediment with detrimental nutrients from potentially entering Rolf Pond.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on October 4, 2004 and revised plans received November 29, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. Geo-textile fabric shall be used behind rock retaining wall for filtration and erosion control purposes.
5. Proposed storm water management shall be completed within 6 months subsequent to non-conforming structure replacement.
6. Please notify the Department upon completion of the proposed project.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
9. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
10. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Rolf Pond and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to storm water management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to move the house 9 ft farther away from the reference line and install a 100 ft stone retaining wall with plantings to provide a storm water runoff diversion and filtration and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I & II.

2004-02749 GAGNON, CLAIRE HUDSON
BEDFORD Stebbins Pond

Requested Action:

Plant a vegetative buffer for storm water runoff treatment consisting of native plant species and construct a 68 sq ft lateral addition to an existing non-conforming 986 sq ft residential structure not to encroach any further than the existing 32 ft measurement from the reference line.

APPROVE CSPA WAIVER:

Plant a vegetative buffer for storm water runoff treatment consisting of native plant species and construct a 68 sq ft lateral addition to an existing non-conforming 986 sq ft residential structure not to encroach any further than the existing 32 ft measurement from the reference line.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on November 12, 2004 and vegetative plan received December 6, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All proposed vegetation must be planted prior to all interior cosmetics within the approved expansion.
5. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
8. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Stebbins Pond of Bedford, NH and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or

traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to plant a vegetative buffer to divert and filtrate sediment and nutrients carried by storm water runoff and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I & II.

2004-02780 ROBERTSON, GARRY
ALTON Lake Winnepesaukee

Requested Action:

Replace an existing septic holding tank with a new improved septic system with a leaching system setback of at least 75 ft from the reference line.

With Conditions:

1. All work shall be conducted in accordance with plans by Gelinas Site Design, dated October 29, 2004 and received by the department on November 15, 2004.
2. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau prior to construction.
3. A copy of this variance shall be posted in a prominent location on site during construction, visible to inspecting personnel.
4. This variance does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
5. This variance is contingent upon approval of the septic system by the DES Subsurface Bureau.
6. This variance does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
7. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The septic system is proposed to be installed within the septic setback to Lake Winnepesaukee in Alton and therefore fails to conform to a minimum standard set forth in RSA 483-B:9, V of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
3. A special condition of the land coupled with the septic setback would prohibit the property owner from replacing the existing septic holding tank with a new improved septic system.
4. The installation of a new improved septic system will better protect the public waterbody and therefore be consistent with the intents of the statute.
5. The proposed project will not injure the public or private rights of others.
6. Granting the variance will be consistent with the public interest as the existing septic system is outdated and a potential health hazard.
7. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

PERMIT BY NOTIFICATION

2004-02709 FERWERDA, PASCA
DEERING Unnamed Wetland

Requested Action:

Dredge and fill approximately 175 square feet of forested wetland for the installation of a 12-inch by 20-foot culver to access a single family residential lot on approximately 2.2 acres.

Conservation Commission/Staff Comments:

The Deering Conservation Commission signed the PBN.

APPROVE PERMIT:

Dredge and fill approximately 175 square feet of forested wetland for the installation of a 12-inch by 20-foot culver to access a single family residential lot on approximately 2.2 acres.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Wt 304.09 the applicant has sent, by certified mail, a letter dated May 5, 2004, requesting consent for work within 20-feet of the property line identified as Bernard and Jean Thompson, Tax Map237 Lot 26.
6. The department waives Wt 304.09 with the findings that the applicant has made a good faith effort to gain written consent from said abutter and the propose work is the least impacting alternative because relocation of the impact site would result in greater impacts.

2004-02727 CLINTON, MICHAEL
OSSIPEE Osipee Lake

Requested Action:

PBN#12, In-kind replacement of approximately 100-feet of an existing retaining wall on Ossipee Lake with approximately 100 feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Ossipee Conservation Commission has no objection to the project.

PBN IS COMPLETE:

PBN#12, In-kind replacement of approximately 100-feet of an existing retaining wall on Ossipee Lake with approximately 100 feet of shoreline frontage.

2004-02735 DAGGETT, WILLARD & ROSEMARY
WOLFEBORO Lake Wentworth

Requested Action:

PBN#11, In-kind replacement of an existing 4'x18' deck, 1'x10' step over a 8'x18' platform, and two (2) seasonal docks - 6'x 18.5' and 3'x18.5' on Lake Wentworth with approximately 73 feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Wolfeboro Conservation Commission DID NOT sign the PBN.

PBN IS COMPLETE:

PBN#11, In-kind replacement of an existing 4'x18' deck, 1'x10' step over a 8'x18' platform, and two (2) seasonal docks - 6'x 18.5' and 3'x18.5' on Lake Wentworth with approximately 73 feet of shoreline frontage.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v) Maintenance, repair, and replacement in-kind of existing docking structures such as breakwaters, docks, boat houses, piers, wharves, walkways, boat ramps, tie-off pilings, ice clusters, dolphins, or other docking facilities.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Wt 304.04, the applicant has requested consent from the abutter identified as Harry L. Parker (Tax Map 150 Lot 16) for work within 20-feet of said property owners property line.
6. The Department waives Wt 304.04 with the findings that the applicant sent by certified mail such request and to this date no response has been submitted.

2004-02904 NIMS, WILLIAM & CHRISTINE
ALTON Sunset Lake

Requested Action:

PBN#11, In-kind repair to an existing 6-foot by 23-foot dock and PBN#12, In-kind replacement to an existing retaining wall on Sunset Lake with approximately 350 feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Alton Conservation Commission signed the PBN.

PBN IS COMPLETE:

PBN#11, In-kind repair to an existing 6-foot by 23-foot dock and PBN#12, In-kind replacement to an existing retaining wall on Sunset Lake with approximately 350 feet of shoreline frontage.